

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:00CR45

UNITED STATES OF AMERICA

VS.

DENNIS HAMILTON

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ORDER

THIS MATTER is before the Court on Defendant's *pro se* motion to waive court appointed counsel fees filed July 28, 2008. The motion is denied.

Following a jury trial in which Defendant was convicted of drug trafficking, the undersigned sentenced him on July 26, 2001, to a term of 120 months imprisonment, followed by a three year term of supervised release. **Judgment in a Criminal Case, filed August 7, 2001.** Defendant was released from prison on July 3, 2008, and is currently on supervised release.

In addition to his prison sentence, the Court also ordered Defendant to pay a \$100 assessment¹ and to reimburse the United States for the cost of his court appointed counsel. ***Id.* at 4.** The Defendant alleges his numerous health problems prevent him from being gainfully employed and that he is currently seeking disability benefits. **Motion, at 1-2.** He also advises that he lives with his sister and that his medical expenses are provided for by a “free clinic” in Hendersonville, North Carolina. ***Id.*** Based on these “hardships,” the Defendant asks the Court to waive the reimbursement of his court appointed attorney fees. ***Id.***

The provisions of Defendant’s Judgment directed that the attorney fee in the amount of \$2,442.50 be paid immediately or, in the alternative, the amount was to be paid during the period of imprisonment or in installments of no less than \$50 per month while he was on supervised release. **Judgment of Conviction, *supra*, at 5.** The Judgment also provided that “throughout the period of supervision the probation officer shall consider the defendant’s economic circumstance as it pertains to the defendant’s ability to pay any monetary penalty ordered, and shall notify the Court of any material changes, with modifications recommended, as

¹ Defendant has paid the \$100 assessment.

appropriate.” **Transcript of Sentencing Proceedings, filed December 13, 2001.**

Defendant makes no mention of whether or not he has discussed this matter with his probation officer. As a result, the Defendant is directed to do so. The probation officer will determine the veracity of Defendant’s contentions and investigate Defendant’s financial position. In the event the probation officer concludes that Defendant, for just cause, cannot make payments at the present time, the debt will not be extinguished but will be collected in the event Defendant’s financial situation improves.

IT IS, THEREFORE, ORDERED that the Defendant’s motion to waive court appointed counsel fees is **DENIED**.

Signed: August 7, 2008

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

